

City of Mission Viejo Personnel Policy

Subject: **OVERTIME - Non-exempt Employees**

Statement of Intent:

To define overtime work and compensation. The Fair Labor Standards Act (FLSA) requires the payment of time and one half (1½) overtime to non-exempt employees for hours worked in excess of forty (40) hours in a seven-day workweek. Whether an employee's position is exempt or non-exempt is determined by the type of duties he/she performs. A list of exempt and non-exempt positions is maintained in the Human Resources Division.

Policy:

1. All non-exempt employees receive overtime pay at the rate of one and one-half (1½) times their regular rate of pay for work performed in excess of forty (40) hours work in a workweek. No employee shall work overtime unless he/she has obtained authorization from the supervisor prior to the commencement of such overtime work.
2. For purposes of determining an employee's eligibility for overtime compensation, only the following shall be considered as hours worked: actual hours worked, Comprehensive Annual Leave, Floating Holiday, Jury Duty Leave, Compensatory Time, and paid holidays.
3. Actual hours worked on a holiday are compensated at one and one-half (1½) the employee's regular rate of pay and, thus, are not considered hours worked for purposes of computing overtime.
4. Compensatory Time: Authorized overtime may be converted to compensatory time, in accordance with the Compensatory Time – Non-Exempt Employees personnel policy.
5. Exempt employees are not eligible for overtime pay.

Administration:

In accordance with City of Mission Viejo Municipal Code chapter 2.60 "Personnel System", this Personnel Policy is deemed to have a direct financial impact on the City. City Council approval is required prior to initial implementation and for any subsequent amendments.

Implemented: Resolution No. 89-92, September 11, 1989.
Amended: Resolution No. 97-124, July 1, 1997.
Amended: Resolution No. 05-98, August 27, 2005.
Amended: Resolution No. 07-59, October 15, 2007.
Amended: Resolution No. 09-52, November 2, 2009.